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2 UNITED STATES DISTRICT COURT  
3 DISTRICT OF NEVADA  
4

5 JOHN R. WHITTINGTON,

6 Petitioner,

7 v.

8 BRIAN E. WILLIAMS, SR., *et al.*,

9 Respondents.  
10

Case No. 2:19-cv-02127-GMN-EJY

**ORDER DISMISSING ACTION**

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12 This case is a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254,  
13 by John R. Whittington, a Nevada prisoner. Whittington submitted a habeas corpus  
14 petition, along with an application to proceed *in forma pauperis*, and a motion for  
15 appointment of counsel, on December 11, 2019 (ECF Nos. 1, 1-1, 1-2).

16 The application to proceed *in forma pauperis* is incomplete, in that it does not  
17 include the required financial certificate signed by a prison officer. See LSR 1-2. The  
18 Court will deny the application on that ground and will dismiss this case.

19 If Whittington wishes to pursue a federal habeas corpus action, he must initiate a  
20 new case by submitting his petition to this Court and either paying the \$5 filing fee or  
21 filing a fully completed application to proceed *in forma pauperis*, including the required  
22 financial certificate. Whittington should not include the above case number on the  
23 documents submitted to initiate a new case.

24 **IT IS THEREFORE ORDERED** that Petitioner's application to proceed *in forma*  
25 *pauperis* (ECF No. 1) is **DENIED**.

26 **IT IS FURTHER ORDERED** that this action is dismissed, without prejudice.

27 **IT IS FURTHER ORDERED** that Petitioner is denied a certificate of appealability.  
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**IT IS FURTHER ORDERED** that the Clerk of the Court is directed to enter judgment accordingly.

**IT IS FURTHER ORDERED** that the Clerk of the Court is directed to send to Petitioner, along with a copy of this order, a copy of his habeas petition (ECF No. 1-1), a copy of his motion for appointment of counsel (ECF No. 1-2), and two copies of the form for a prisoner's application to proceed *in forma pauperis*, including the required financial certificate.

DATED THIS 13 day of December, 2019.

GLORIA M. NAVARRO,  
UNITED STATES DISTRICT JUDGE